HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO : 3457 of 2005

Between:

C.L.Mittal

..... Petitioner

AND

The State of Andhra Pradesh rep by its

Principal secretary to Government,

Revenue Department, Secretariat, Hyderabad

And 3 others.

.....RESPONDENT(S)

::JUDGMENT::

Counsel for the Petitioner : Sri D.V.Sitharam Murthy

Counsel for Respondents : GP for Revenue

Dated 3..2..2006

Per Sri G.S.Singhvi, CJ

This is a petition for striking down Section 41-A of the Indian Stamp Act, 1899, as amended by State Act No.16 of 2002 and to restrain respondent Nos.2 and 3 from making recovery of the deficit stamp duty and penalty amounting to Rs.60,92,308/- for which order was passed by respondent No.4 on 8.9.2003.

Learned counsel for the petitioner says that in view of the averments contained in the counter affidavit that action for levy of additional stamp duty has been taken under Section 27 of the Act, his client may be permitted to withdraw this petition with liberty to file fresh one.

Learned Government Pleader for Revenue says that he does not have any objection if the request of the learned counsel is accepted. Simultaneously he stated that in

spite of the direction given by the Court on 10.8.2005, the petitioner did not deposit 50% of the additional stamp duty.

In view of the submissions made by the learned counsel, the writ petition is dismissed as withdrawn with liberty to the petitioner to file fresh petition. However, it is made clear that the liberty given to the petitioner shall not, in any manner, operate as an impediment against the recovery of the amount due from the petitioner and it will be open to the competent authority to adopt all legally permissible methods for recovery of the said amount.

G.S.SINGHVI, CJ

Dt.3.2.2006

G.BHAVANI PRASAD,J

msv